

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

November 7, 2013

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, November 7, 2013 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Don Klausmeyer; Chair; Matt Goolsby, Vice Chair; David Dennis, David Foster; Bill Johnson; Joe Johnson; John McKay Jr.; Debra Miller Stevens; M.S. Mitchell; George Sherman; Carol Neugent (Out @ 2:25 p.m.); Don Sherman and Chuck Warren. Steve Anthimides was absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jess McNeely, Senior Planner; Jeff Vanzandt, Assistant City Attorney, Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the September 26, 2013 Planning Commission meeting minutes.

MOTION: To approve the September 26, 2013 meeting minutes, as amended.

MCKAY moved, **FOSTER** seconded the motion, and it carried (13-0).

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

2-1. **SUB2013-00038: Final Plat - SKYWAY WEST 4TH ADDITION.**

NOTE: This is an unplatted site located in the County adjoining Wichita's boundary and annexation is required. The site has been approved for a zone change (ZON2012-00032) from SF-20 Single-family Residential to LI Limited Industrial. A Conditional Use (CON2012-00049) for soil extraction has also been approved for the site.

This final plat is in accordance with the approved preliminary plat including the expansion of the two reserves.

STAFF COMMENTS:

- A. As this site is adjacent to Wichita's boundary, the Applicant shall submit a request for annexation. The final plat shall not be scheduled for City Council review until annexation has occurred.
- B. City of Wichita Public Works and Utilities Department requests the applicant guarantee the extension of City water (transmission and distribution) and sewer (mains and laterals) to serve the area.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the applicant's drainage plan subject to revisions and a cross-lot drainage agreement. The applicant shall contact the Army Corps of Engineers to determine the need for a reserve for the wetlands.

- E. County Public Works has approved the access controls. The plat proposes complete access control along 31st Street South and three access openings along 119th Street West.
- F. County Public Works requests annexation of 31st Street South from one half mile east of Maize Road to 119th Street West.
- G. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- H. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- M. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

P. Perimeter closure computations shall be submitted with the final plat tracing.

Q. Westar Energy has requested an additional 20-foot easement along the west property line north of the Reserve. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

R. A compact disc (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disc. If a disc is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, G. SHERMAN seconded the motion, and it carried (13-0).

2-2. **SUB2011-00048: Revised Final Plat - LAKESIDE AT THE MOORINGS ADDITION.**

NOTE: This is a replat of the Moorings South Addition. The site has been approved for a zone change (ZON2010-00028) from SF-5 Single-family Residential to LC Limited Commercial. The Lakeside at the Moorings Commercial Community Unit Plan (CUP 2010-00016, DP-323) was also approved for this site.

This final plat consists of the eastern portion of the overall preliminary plat approved for the site and represents the first phase of development. The street layout and lot configuration is consistent with the final plat approved March 11, 2012.

STAFF COMMENTS:

A. City of Wichita Public Works and Utilities Department advises that Lots 1, 2 and 3, Block A and Lot 1, Block B have access to water and sewer. The applicant needs to extend water (transmission and distribution) and sewer (main and lateral) to serve all other lots being platted. An easement within Reserve A is needed to cover the raw water line. The applicant shall guarantee the removal of the pipeline within this plat and cap/plug the remaining pipe to City specifications. Such guarantee shall not be provided through the use of a petition. A guarantee is needed for the extension of the 8" water line to the 12" water line In Meridian. A temporary water line easement shall be established by separate instrument to replace the water line easement within Lots 2 and 3, Block A and a guarantee shall be provided for the relocation of the water line where applicable.

B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.

C. City Stormwater Management has approved the drainage plan subject to the revisions along with the following:

1. A 20-foot drainage easement shall be provided along the west line of Lot 1, Block A to provide the necessary maintenance access to the pond located within Reserve C.
 2. The 25-foot utility easement located along the east line of Lots 1, Block B and Lots 2 and 3, Block A, needs updated to be included as a drainage easement.
- D. In accordance with the CUP, Traffic Engineering has required a signalization guarantee.
- E. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- F. The plat proposes one street opening and two openings along Meridian. Traffic Engineering has approved the access controls.
- G. An off-site temporary turnaround for Moorings Circle needs to be established by separate instrument. The language should indicate that the vacation of the temporary turnaround area will be effective upon the extension of the street westward.
- H. The applicant shall guarantee the paving of the proposed street to the business/industrial street standard. The guarantee shall also provide for sidewalks.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- J. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- K. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- L. The applicant needs to request a CUP adjustment as the original CUP parcel boundaries and access controls do not correspond with the area being platted.
- M. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- N. GIS has approved the plat's street names.
- O. County Surveying advises that the drainage and utility easement along the north line of Lot 1, Block A needs extended to the east line of said Lot 1.

- P. The applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- Q. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- T. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Westar Energy has requested additional easements. A street light pole that is located along Meridian may need to be relocated as it appears to be in conflict with the new opening for Moorings Cir. Removal may be required along with cost involved that would be at the applicant's expense. Marsha Jesse, Construction Services Representative, should be contacted at 261-6734 about the possible cost for any removal and relocation as well as coordinating the work.
- Y. A compact disc (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disc. If a disc is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, G. SHERMAN seconded the motion, and it carried (13-0).

3. PUBLIC HEARING – VACATION ITEMS

There were no Vacation items.

PUBLIC HEARINGS

- 4. Case No.: ZON2013-00025** – Larry and Mona Breshears / Kirk Richard and Brett Lynxwieler request a City zone change from SF-5 Single-family Residential to TF-3 Two-family Residential on property described as:

Lots 7 and 8, Block 4 in Kell Hawkins Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicants are seeking to rezone two platted (.33 acre) SF-5 Single-family Residential (SF-5) zoned lots to TF-3 Two-family Residential (TF-3). The subject property is vacant, and is located at the northeast corner of North Clara Street and West St. Louis Avenue (500 North Clara Street, four blocks east of North Hoover Road and two blocks south of West Central Avenue). One of the applicants indicated the reason for the application is to permit the construction of one duplex residential unit per lot. In 2007, a demolition permit for a single-family residence was issued for 500 North Clara Street.

The Wichita-Sedgwick County Unified Zoning Code (UZC) defines a duplex as two principal dwelling units within a single building (Article II, Section II.B.4.i). The TF-3 district requires a minimum lot area of 3,500 square feet for a single-family residences and 3,000 square feet per dwelling unit for a duplex. The application area contains approximately 28,614 square feet, which could potentially permit up to nine single-family units or four duplex structures; however, by the time the site complies with building setback and parking and access requirements it is unlikely the site could be developed to the potential maximum number of units. In the TF-3 zoning district the: minimum lot width is 35 feet; minimum required building setbacks are 25 feet (front), 20 feet (rear), six feet (interior side) and 15 feet (street side); maximum building height is 35 feet and one parking space per dwelling unit is required. Each lot containing a dwelling would have to have street frontage which would require multiple lot splits or replatting in have more than one structure per lot.

Property surrounding the application area is overwhelmingly zoned SF-5 and developed with single-family residences with typical lot sizes of 11,340 to 14,212 square feet. A property located immediately south, across West St. Louis Avenue, is zoned TF-3. A second property located on the west side of North Anna Street and south of West St. Louis Avenue is zoned TF-3. A third TF-3 zoned lot is located two blocks west on North Elder Street, four lots north of West St. Louis Avenue.

CASE HISTORY: The Kell Hawkins Addition was recorded in 1939.

ADJACENT ZONING AND LAND USE:

North: SF-5; single-family residences
South: TF-3; two-family residence and single-family residences
East: SF-5; single-family residences
West: SF-5; single-family residences

PUBLIC SERVICES: Both North Clara Street and West St. Louis Avenue have 60 feet of street right-of-way. All other normally supplied municipal services are available or can be extended to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the application area as appropriate for “urban residential” uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. The range of housing types found include single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be approved to the following Protective Overlay:

The site is restricted to a maximum of two two-family residential dwelling structures or two single-family residential dwelling units and each lot containing a dwelling unit is to have frontage along North Clara Street.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property surrounding the application area is overwhelmingly zoned SF-5 and developed with single-family residences with typical lot sizes of 11,340 to 14,212 square feet. A property located immediately south, across West St. Louis Avenue, is zoned TF-3. A second property located on the west side of North Anna Street and south of West St. Louis Avenue is zoned TF-3. A third TF-3 zoned lot is located two blocks west on North Elder Street, four lots north of West St. Louis Avenue.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5, which primarily permits single-family residences and a few civic or institutional uses, such as schools, parks or places of worship, by-right. One new single-family residence could be built on each lot comprising the application area as currently zoned; thus making the site economically viable as currently zoned.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of TF-3 zoning will permit duplex units to be constructed on the property. There is one other lot located south, across West St. Louis Avenue that is already zoned TF-3 and there are two other lots zoned TF-3 located within two to three blocks of the application area. Approval of the request should not detrimentally impact nearby property owners. Four dwelling units versus two single-family residences would likely generate a small increase in traffic within the neighborhood. Other detrimental impacts usually presented by those in opposition to similar requests include the allegations that: rental property is rarely maintained as well as owner occupied units that can then negatively impact area property values; occupants of rental units

generate more police calls than single-family residences and renters have less incentive to be neighborly and participate less in neighborhood-wide activities such as neighborhood watch. In the past, data to support these assertions has not been provided.

4. Length of time the property has remained vacant as currently zoned: The property is currently vacant and has been vacant since approximately 2007 when a demolition permit for a single-family residence was issued for 500 North Clara.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would allow this applicant to move ahead with plans to construct two duplex units on the two platted lots that comprise the application area. If approved, the community would have additional housing choices.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the application area as appropriate for “urban residential” uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. The range of housing types found include single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units. For many years the 2030 land use guide map has not made a distinction regarding the appropriate location of single-family versus two-family residential uses, instead lumping them under the “urban residential” category.
7. Impact of the proposed development on community facilities: Existing community facilities are in place or can be extended to serve the application area.

DALE MILLER, Planning Staff presented the Staff Report.

G. SHERMAN asked about the District Advisory Board (DAB) VI recommendation.

MILLER indicated that the DAB approved the zoning request but didn’t think the Protective Overlay was necessary.

MOTION: To approve subject to staff recommendation and removal of Protective Overlay.

J. JOHNSON moved, **FOSTER** seconded the motion, and it carried (13-0).

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5. **Case No.: ZON2013-00026** - Michael R. Strelow and Alyx A. Strelow request a City zone change from SF-5 Single-family Residential to TF-3 Two-family Residential on property described as:

The North Half of Lot 1, except the East 150.00 feet, Block 7, Parkwilde Addition to the City of Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicants are seeking to rezone a portion of a platted (9,036 square feet) SF-5 Single-family Residential (SF-5) zoned lot to TF-3 Two-family Residential (TF-3). The subject

property is vacant, and is located on the south side of West Newell Street, 150 feet west of North Florence Street (south of West Central Avenue, west of North West Street).

The Wichita-Sedgwick County Unified Zoning Code (UZC) defines a duplex as two principal dwelling units within a single building (Article II, Section II.B.4.i). The TF-3 district requires a minimum lot area of 3,500 square feet for a single-family residences and 3,000 square feet per dwelling unit for a duplex. The application area contains approximately 9,000 square feet, which could potentially permit up to two single-family units or one duplex structure; however, by the time the site complies with building setback and parking and access requirements it is unlikely the site could be developed to the potential maximum number of units. In the TF-3 zoning district the: minimum lot width is 35 feet; minimum required building setbacks are 25 feet (front), 20 feet (rear), six feet (interior side) and 15 feet (street side); maximum building height is 35 feet and one parking space per dwelling unit is required. Each lot containing a dwelling would have to have street frontage.

Properties located to the immediate east, west and south of the application area are zoned SF-5, and are primarily developed with single-family residences; however, there is a non-conforming duplex located further south, and 178 feet further south there are four lots that are zoned TF-3. Property located immediately further east, across North Florence Street is zoned LC Limited Commercial (LC), subject to commercial Community Unit Plan (CUP) DP-4. Properties located on the north side of West Newell Street are zoned SF-5 Single-family Residential (SF-5) and GO General Office (GO), and are developed with a dental laboratory and single-family residences.

CASE HISTORY: Parkwilde Addition was recorded in 1887. Lot Split SUB2003-00095 created the application area's current configuration.

ADJACENT ZONING AND LAND USE:

North: GO; dental lab

South: SF-5, TF-3; single-family residential, non-conforming two-family residence and conforming two-family residences

East: SF-5; single-family residential

West: SF-5 single-family residential

PUBLIC SERVICES: West Newell Avenue is unpaved and has 60 feet of street right-of-way. Sewer and water service are either available or can be extended to serve the site. DED2003-00020, associated with the lot split referenced in the Case History section located above, granted a 30-foot wide (east to west) contingent street dedication located on the western end of the site. Also associated with the previously noted lot split is a No Protest Petition for the future paving of North Newell Street. Mennonite Housing was the applicant for the lot split.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the application area as appropriate for "urban residential" uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. The range of housing types found include single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be approved.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties located to the immediate east, west and south of the application area are zoned SF-5, and are primarily developed with single-family residences; however, there is a non-conforming duplex located further south, and 178 feet further south there are four lots that are zoned TF-3. Property located immediately further east, across North Florence Street is zoned LC Limited Commercial (LC), subject to commercial Community Unit Plan (CUP) DP-4. Properties located on the north side of West Newell Street are zoned SF-5 Single-family Residential (SF-5) and GO General Office (GO), and are developed with a dental laboratory and single-family residences. West Newell Avenue and North Florence Street are border streets in a transition area with more intense uses located to the north and east and mostly single-family uses to the south and west of those two streets.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-5, which primarily permits single-family residences and a few civic or institutional uses, such as schools, parks or places of worship, by-right. As currently zoned, the site could be developed with a single-family residence and provide an economic return.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would permit one duplex structure to be constructed on the property. One duplex structure should not negatively impact nearby properties as there are other lots in the general vicinity zoned TF-3 and developed with two-family structures. Arguments in opposition to TF-3 zoning include allegations that: rental property is rarely maintained as well as owner occupied units, and poorly maintained property devalues adjoining property values; occupants of rental units generate more police calls than single-family residences and renters have less incentive to be neighborly and participate less in neighborhood-wide activities when compared to owner occupants. In the past, data to support these assertions has not been provided.
4. Length of time the property has remained vacant as currently zoned. The property is currently vacant, and has probably has been so since it was originally zoned.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would allow the applicant to enhance the property's economic return and provide additional housing choices for the larger community.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the application area as appropriate for "urban residential" uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. The range of housing types found include single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units. The request is consistent with the Comprehensive Plan.

7. Impact of the proposed development on community facilities: West Newell Avenue is unpaved and probably should be paved when appropriate. An existing no protest petition for the paving has been obtained, therefore there are not any additional impacts identified as a result of this request.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

J. JOHNSON moved, **FOSTER** seconded the motion, and it carried (13-0).

6. **Case No.: ZON2013-00027** - Waterwalk Apartments by VP LLC (applicant); Robert Smith (agent) request a City zone change from LC Limited Commercial and B Multi-family Residential to LC Limited Commercial on property described as:

BACKGROUND: The applicant's undeveloped property is zoned a combination of B Multi-family Residential (B) and LC Limited Commercial (LC). The applicant intends to develop the site with a multi-family residential project, but requests a rezoning to have one consistent zoning district on the property. LC zoning permits multi-family residential development at the same density as B zoning (75 dwelling units per acre), but offers more flexibility in allowing office and commercial uses, and allows increased building height (80 feet in LC as compared to 55 feet in B). Both zoning districts have the same development standards regarding off-street parking, screening and landscaping. LC zoning allows more sign area under the Sign Code than B zoning.

The application area is located in the southeast corner of the Delano Neighborhood. The site is located within the boundaries of the Delano Neighborhood Plan (adopted in 2001) and the Project Downtown Plan (adopted in 2010). A small parcel adjacent to the north side of the site is zoned LI Limited Industrial (LI) and is developed with a warehouse/office. Property north of the site is zoned LC and developed with the Lawrence Dumont baseball stadium and associated parking. The elevated Kellogg expressway exists south of the site, further south are B zoned single and multi-family residences. East of the site is McLean Boulevard and the Arkansas River, further east is the Waterwalk PUD development. West of the site is the GC General Commercial (GC) zoned Wichita Ice Center.

CASE HISTORY: The vacant site was replatted as the Waterwalk West addition in 2012.

ADJACENT ZONING AND LAND USE:

NORTH:	LI, LC	Office/warehouse, baseball stadium
SOUTH:	B	Kellogg Expressway, single and multi-family residences
EAST:	PUD	Arkansas River, mixed use development
WEST:	GC	Ice rink

PUBLIC SERVICES: The site has access to Maple, a four-lane minor arterial with an 80-foot right of way. The site also has access to McLean, a four-lane principal arterial with a landscaped median within a 90-foot right of way. Riverfront bike and pedestrian paths exist east of the site, across McLean and along the Arkansas River. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2013 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies the site as "local commercial," but adjacent to "major institutional" and

“parks and open space.” The site is located within the boundaries of the Delano Neighborhood Plan (adopted in 2001) and the Project Downtown Plan (adopted in 2010). The Delano Plan identifies the site as appropriate for “commercial mixed-use” development and the Downtown Plan recommends multi-family residential use on the site. Both the Delano and Downtown plans have design standards, such as recommended parking locations, building setbacks and building materials. And, both the Delano and Downtown Plan will require a design review when the applicant seeks a building permit.

RECOMMENDATION: The requested LC zoning is consistent with surrounding zoning and uses, and offers more flexibility than B zoning in land use and sign regulations. Based upon the information available prior to the public hearings, planning staff recommends that the request for LC zoning be **APPROVED**.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The application area is located in the southeast corner of the Delano Neighborhood. A small parcel adjacent to the north side of the site is zoned LI and is developed with a warehouse/office. Property north of the site is zoned LC and developed with the Lawrence Dumont baseball stadium and associated parking. The elevated Kellogg expressway exists south of the site, further south are B zoned single and multi-family residences. East of the site is McLean Boulevard and the Arkansas River, further east is the Waterwalk PUD development. West of the site is the GC zoned Wichita Ice Center.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The existing LC and B zoning combination would allow multi-family residential development on the property. However, the two different zoning districts have different development standards and sign regulations, which could complicate development of the site.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** All adjacent and abutting properties are zoned LC, GC or LI. A change in zoning on this site will have no impact on surrounding properties.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2013 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies the site as “local commercial,” but adjacent to “major institutional” and “parks and open space.” The site is located within the boundaries of the Delano Neighborhood Plan (adopted in 2001) and the Project Downtown Plan (adopted in 2010). The Delano Plan identifies the site as appropriate for “commercial mixed-use” development and the Downtown Plan recommends multi-family residential use on the site. Both the Delano and Downtown plans have design standards, such as recommended parking locations, building setbacks and building materials. And, both the Delano and Downtown Plan will require a design review when the applicant seeks a building permit.
- (5) **Impact of the proposed development on community facilities:** Existing facilities, Maple Street and McLean Boulevard, can easily accommodate the proposed development. Neither street currently carries significant traffic.

JESS MCNEELY, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

J. JOHNSON moved, **FOSTER** seconded the motion, and it carried (13-0).

7. **Case No.: ZON2013-00028** - Gene M. and Barbara Campbell (applicants/Owners) request a City zone change from SF-5 Single-family Residential to GC General Commercial to expand existing GC zoning for a greenhouse on property described as:

The North 212 feet of Government lot 10 lying West of the levee in condemnation case A-48670 EXCEPT the West 755 feet thereof, Section 9, Township 28, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

BACKGROUND: The applicants are requesting GC General Commercial (GC) zoning for the unplatted (+/-) 6-acre subject property, located on the southeast corner of Galena Street and Topeka Avenue. The subject property consists of three unplatted tracts. Two of the tracts are zoned GC on the west, Topeka Avenue frontage and SF-5 on the east, interior sides. The applicants have a garden center with greenhouses on these two tracts. A garden center with greenhouses is not permitted in the SF-5 zoning district, but is permitted in the GC zoning district; Wichita-Sedgwick County Unified Zoning Code, UZC, Article III. Section III.D. An undeveloped SF-5 zoned tract abuts the east side of one of the GC/SF-5 zoned tracts. The applicants are requesting the GC zoning to allow them to continue to operate a Halloween haunted woods. Haunted houses and outdoor Halloween maze/woods (forest) have previously been considered by the MAPC as seasonal indoor and outdoor recreation and entertainment and are permitted in the GC zoning district; UZC, Article III. Section III.D. The site does not appear to have any on-site parking.

The site is located east, across Topeka Avenue, from the City of Wichita Paving Project #427-84830. This project is currently in the process of replacing the existing, adjacent Broadway Avenue Bridge and realign Broadway Avenue from 31st Street South to 37th Street South. The current Broadway Bridge goes over the Arkansas River and the Union Pacific Railroad (RR) track. The new bridge will do the same. GC zoned auto repair and paint shops and a LI Limited Industrial (LI) zoned sandpit are located on the west side of Broadway Avenue. North-northeast of the site, across Galena Street are two GC zoned single-family residences (built 1948 and 1952), two single-family residences that have been converted into apartments, undeveloped land and a LI zoned private recreational lake. Conditional Use CON2013-00001 permitted the excavation and removal of sand from the LI zoned private recreational lake. This sand is being used for fill on the building of the new Broadway Bridge and the realignment of Broadway Avenue. The Arkansas River abuts the north side of the private lake. South of the site are GC and SF-5 zoned single-family residences (built mostly in the 1950s) and undeveloped land. Further south is a LI zoned wrecking and salvage yard; CON2003-00053. East of the site is the Arkansas River. There are maybe a total of 12 residences in this area. There are also some non-conforming outdoor storage/salvage/junk uses in the area. Unimproved portions of Topeka and Galena Streets move this area's vehicular traffic to an unimproved portion of 37th Street South and then to Broadway Avenue. Topeka Avenue, Galena Street and 37th Street South are local streets. Portions of Topeka Avenue and 37th Street South will be paved as part of the Broadway Bridge/Avenue project. Much of the subject site and area is located within a FEMA Flood Zone.

CASE HISTORY: The applicants were directed by the Wichita-Sedgwick County Metropolitan Area Building and Construction Department to come into compliance with the UZC for their Halloween haunted woods.

ADJACENT ZONING AND LAND USE:

NORTH: GC, LI	Single-family residences, apartments, undeveloped land, private recreational lake, Arkansas River
SOUTH: GC, SF-5	Single-family residences, undeveloped land, non-conforming outdoor storage/salvage/junk
EAST: SF-5	Arkansas River, single-family residences
WEST: GC, LI, SF-5	Broadway Avenue, auto repair and paint shops, sandpit

PUBLIC SERVICES: All utilities are available to this site. Unimproved portions of Topeka Avenue and Galena Street take a portion of the site's and all of the area's vehicular traffic to an unimproved portion of 37th Street South then to Broadway Avenue/US 81. Topeka Avenue, Galena Street and 37th Street South are local streets. Portions of Topeka Avenue and 37th Street South will be paved after the Broadway Bridge is completed. Broadway Avenue is an arterial.

CONFORMANCE TO PLANS/POLICIES: The '2030 Wichita Functional Land Use Guide' of the Comprehensive Plan identifies this property as "regional commercial." The regional commercial category encompasses major destination areas that contain concentrations of commercial, office and personal services that have predominately regional market areas and high volumes of regional traffic. Typically they are located in close proximity to freeways or major arterials and include such uses as major retail malls, major car dealerships and big box retail. The site has access to Broadway Avenue, an arterial, from Topeka Avenue and 37th Street South. Topeka Avenue and 37th Street South are local streets. Portions of Topeka Avenue and 37th Street South will be paved after the Broadway Bridge is completed. Many of the uses permitted in the GC zoning district, resemble the Guide's "regional commercial" category. Currently it is a challenge to see this area, with its motley developments, as a regional market area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be approved, subject to platting and having their parking in compliance with the UZC within a year of approval of the governing body.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The area is somewhat isolated, located beneath the current and future Broadway Bridge on its west side, the Arkansas River on its east side and a private recreational lake and the Arkansas River north of the site. The north end LI zoned private recreational lake is a dominate feature, fenced off from the abutting and adjacent southern GC and SF-5 zoned undeveloped lands, single-family residences, small apartments, the subject garden center with greenhouses and some non-conforming outdoor storage/salvage/junk yards. The area's GC and SF-5 zoned 12 residences are mixed in with the non-residential uses. The area is poorly served by three unimproved streets, is hard to get into and appears to be in a long decline. All of these factors, plus having much of this area located in a FEMA Flood Zone, makes maintenance or redevelopment challenging.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject site is split between GC and SF-5 zoning. The site's GC zoning allows the applicants' garden center with greenhouses and the Halloween haunted woods. The site's SF-5 zoning permits neither. If the requested GC is approved, all of the applicants' garden center with

greenhouses and the Halloween haunted woods will be in compliance with the UZC and not out of character with the area's current zoning pattern.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** A 1997 aerial shows the garden center with greenhouses. The requested zoning will bring them into compliance with the UZC.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The '2030 Wichita Functional Land Use Guide' of the Comprehensive Plan identifies this property as "regional commercial." The regional commercial category encompasses major destination areas that contain concentrations of commercial, office and personal services that have predominately regional market areas and high volumes of regional traffic. Typically they are located in close proximity to freeways or major arterials and include such uses as major retail malls, major car dealerships and big box retail. Many of the uses permitted in the GC zoning district, resemble the Guide's regional commercial category. Currently it is a challenge to see this area, with its motley developments, as a regional market area.
5. **Impact of the proposed development on community facilities:** The garden center with greenhouses has been present since at least 1997, so no new use is being introduced to the area. A Halloween Haunted forest is a seasonal outdoor recreation and entertainment use that is operated once a year and as such its impact will be minimal, with the exception of parking.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MITCHELL said he had several issues. He mentioned that the east boundary of the property appears to be in the flood control right-of-way along the Arkansas River.

LONGNECKER said he used the FEMA map in Geozone.

MITCHELL indicated that the map was out of date.

LONGNECKER said he would make note of that.

TRACY CHIPPEAUX, 3556 S. ST. FRANCIS, WICHITA said she lives just due north of this area. She asked the Commission as a homeowner what rights does she have on this request and what might the applicant do there in the future. She said last year they were open until 9:00 p.m. at night, now they are talking about being open until midnight. She said her bedroom is right by the woods which prevents her from going to bed and she does have to go to work. She asked what are the chances they will want to do something else in the future. She also asked if they could put up a barrier or fence, besides the barbed wire fencing that is there now, between her property and theirs.

WARREN suggested that Planning Staff go through the full Staff Report. He said that might answer some of Ms. Chippeaux's questions.

MITCHELL clarified that part of the area is currently zoned General Commercial.

WARREN asked staff to give a brief overview of the rules and regulations for seasonal use such as hours of operation, etc.

LONGNECKER explained that the MABCD issues permits and confirms compliance.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY briefly reviewed the prerequisites, requirements, licenses and hours of operation outlined in Chapter 3.22 of the City Municipal Code with regard to haunted houses (which the “Haunted Woods” would fall under).

G. SHERMAN clarified that the neighbors property is also zoned General Commercial.

LONGNECKER replied that was correct.

GENE CAMPBELL, 4701 S. IDA, APPLICANT said everything they do in their business is to benefit mankind by promoting live plants and trees, etc. which keeps us all alive. He said this is the second year they have sponsored the “Haunted Woods” and that it has been very financially successful. He said they obtain a year-to-year permit for the event. He said he has been in the greenhouse business 50 some years; they are law abiding people who are an asset to the community.

DENNIS asked about the hours of operation and the number of nights per week.

CAMPBELL said from 8:00 p.m. until 11:00 p.m., for a total of seven nights.

DENNIS asked Mr. Campbell if he would be adverse to the Commission stipulating hours of 7:00 p.m. until midnight Friday and Saturday.

CAMPBELL said not that he can think of but asked why and added that he hasn’t had any complaints.

There was general discussion regarding hours of operation, number of nights the event would be open, parking requirements, etc.

CAMPBELL said he wants to cooperate and would be open to anything that is reasonable. He mentioned that the greenhouse business is seasonal (March – September) but they would be willing to do whatever is required as far as parking is concerned. He asked staff to define the term “parking space”.

MILLER suggested that the Commission could approve the rezoning with the stipulation that parking be taken care of before next Halloween.

LONGNECKER said he would get with the applicant after the meeting to answer any questions he had.

MCKAY clarified that parking for the greenhouse and the Halloween “Haunted Woods” were two separate items.

LONGNECKER said the intent of staff was to provide parking for the nursery/garden center, which they viewed as a year round operation.

G. SHERMAN commented that the Staff Report addresses the parking for the greenhouse. He said since the applicant has obtained a permit for the Haunted Woods for the last two years, it must be considered adequate by the people who issue permits for that activity.

B. JOHNSON said he thought the objection had to do with providing screening between the residence and the haunted woods area.

J. JOHNSON clarified that there is no requirement for a fence between the properties because they are both zoned General Commercial.

MILLER said there is no requirement to screen activity from a General Commercial zoned site.

WARREN said he is not sure screening is the solution. He said the applicant does have the right to use the property with reasonable restrictions on noise and sound affecting surrounding neighbors.

LARRY MEEKS, 1746 S. MAIN said the concern expressed at the DAB meeting last night was that the greenhouse does not have any parking. He said customers have been using Topeka Street which is gravel, so the applicant is not in compliance with the City Code. He said somehow that got lost in discussion of the sound problems with the Halloween event.

G. SHERMAN assured Mr. Meeks that the recommendation in front of Commission requires the applicant to provide parking per City Code so that won't get lost in the discussion.

There was general discussion concerning the noise ordinance.

VANZANDT briefly reviewed the noise ordinance.

MILLER STEVENS commented that the noise ordinance is pretty much useless when the events occur at night. She said the WPD has some limited capacity to measure noise; however, that has to be prearranged.

MOTION: To approve subject to staff recommendation with the added condition that parking for the greenhouse be provided according to Code within one year.

MCKAY moved, **J. JOHNSON** seconded the motion, and it carried (9-4). **DENNIS, G. SHERMAN, NEUGENT** and **WARREN** – No.

DENNIS said the Code is too broad and he would like to see some limits on this activity.

J. JOHNSON said he does not want the Commission to put additional limits on what the City Code currently allows.

B. JOHNSON said he agrees with **COMMISSIONER J. JOHNSON** and will support the motion.

8. **Case No.: ZON2013-00029** - Bruce D. Holmes (owner) request a City zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential on property described as:

Lots 13, 14, 15, 16 and the North 10 ½ feet of lot 17, Block 3 in Junction Town Company Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The application area is approximately 15,680 acres of SF-5 Single-family Residential (SF-5) zoned land located west of North Millwood Avenue, 160 feet north of West 1st Street North (one and one-quarter blocks north of West Douglas Avenue, six blocks west of North Seneca Street; 215 North Millwood Avenue). The property is platted and contains an older house, built in 1915 that the applicant would like to demolish and replace with a duplex structure. Therefore, the applicant is requesting TF-3 Two-family Residential zoning.

The Wichita-Sedgwick County Unified Zoning Code (UZC) defines a duplex as two principal dwelling units located within a single building (Article II, Section II.B.4.i). The TF-3 zoning district requires a minimum lot area of 3,500 square feet for a single-family residences and 3,000 square feet per dwelling unit for a duplex. The application area contains approximately 15,680 square feet, which could potentially permit up to four single-family units or two duplex structures; however, by the time the site complies with building setback, parking and access requirements, and deals with the site's atypical shape, it is unlikely the site could be developed to the potential maximum number of units. In the TF-3 zoning district the: minimum lot width is 35 feet; minimum required building setbacks are 25 feet (front), 20 feet (rear), six feet (interior side) and 15 feet (street side); maximum building height is 35 feet and one parking space per dwelling unit is required. Each lot containing a dwelling would have to have street frontage.

The properties surrounding the application area are a mix of uses and zoning. Located immediately to the north is active railroad property that is zoned SF-5. Farther north are single-family residences on SF-5 zoned lots. East of the application area, across North Millwood Avenue, is MF-18 Multi-family Residential (MF-18) zoned railroad land; a MF-18 zoned single-family residence and a LI Limited Industrial zoned machine shop. South of the site is a SF-5 zoned garage (owned by the applicant) and a nonconforming LI zoned residence built in 1900. West of the site, across a 20-foot alley is a LI zoned warehouse and three SF-5 zoned single-family residences, one of which is owned by the applicant.

CASE HISTORY: The property's zoning was probably established in 1921, but could have been modified by Delano Neighborhood Plan zoning initiative. The Junction Town Company Addition was recorded in 1887.

ADJACENT ZONING AND LAND USE:

North: SF-5; active railroad property, single-family residences
South: SF-5, LI; accessory garage, single-family residences
East: MF-18, LI; active railroad property, single-family residences, machine shop
West: LI, SF-5; warehouse, single-family residences

PUBLIC SERVICES: All normally supplied municipal utilities and services are available or are available for extension. North Millwood Avenue has 80 feet of full right-of-way.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the application area as appropriate for "urban residential" uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. The range of housing types found include single detached homes, semi-

detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be approved.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties surrounding the application area are a mix of uses and zoning. Located immediately to the north is railroad property that is zoned SF-5. Farther north are single-family residences on SF-5 zoned lots. East of the application area, across North Millwood Avenue, is MF-18 Multi-family Residential (MF-18) zoned railroad land; a MF-18 zoned single-family residence and a LI Limited Industrial zoned machine shop. South of the site is a SF-5 zoned garage (owned by the applicant) and a nonconforming LI zoned residence built in 1900. West of the site, across a 20-foot alley is a LI zoned warehouse and three SF-5 zoned single-family residences, one of which is owned by the applicant.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned SF-5, which primarily permits single-family residences and a few civic or institutional uses, such as schools, parks or places of worship, by-right. Potentially four single-family residences could be built on the application area as currently zoned; thus making the site economically viable as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of TF-3 zoning will permit duplex units to be constructed on the property. Potentially four single-family residences or two duplex structures could be built on the site. Approval of the request should not detrimentally impact nearby property owners. The additional dwelling units would likely generate a small increase in traffic within the neighborhood, but not to an extent that should negatively impact nearby property owners. There are neighboring properties zoned LI that could generate significantly more detrimental nuisances than would typically be generated from property zoned TF-3. Other detrimental impacts usually presented by those in opposition to similar requests include the allegations that: rental property is rarely maintained as well as owner occupied units that can then negatively impact area property values; occupants of rental units generate more police calls than single-family residences and renters have less incentive to be neighborly and participate less in neighborhood-wide activities such as neighborhood watch. In the past, data to support these assertions has not been provided.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would allow this applicant to move ahead with plans to construct duplex units. If approved, the community would have additional housing choices.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the application area as appropriate for “urban residential” uses. The urban residential category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. The range of housing types found include single detached homes, semi-detached

homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units. For many years the 2030 land use guide map has not made a distinction regarding the appropriate location of single-family versus two-family residential uses, instead lumping them under the “urban residential” category.

6. Impact of the proposed development on community facilities: Existing community facilities are in place or can be extended to serve the application area.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

J. JOHNSON moved, **FOSTER** seconded the motion, and it carried (13-0).

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9. **Case No.: ZON2013-00030** - Ronald Aaron Goodwin (owner) and Hamendra Bahkta (applicant) request a City zone change from LC Limited Commercial to GC General Commercial on property described as:

Lot 1, Block A, S.H. Sampson Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant requests GC General Commercial (GC) zoning on the LC Limited Commercial (LC) zoned subject site, located on the northwest corner of Hoover Road and Central Avenue. The applicant is requesting the GC zoning to allow a body and paint shop; “vehicle repair general,” The Wichita-Sedgwick County Unified Zoning Code (UZC), Article II Section II-B.14.h. The GC zoning district allows vehicle repair general by right; UZC, Article III Section III-D.6. The site is currently used for car sales (CON2006-00004), an associated “vehicle repair limited” garage with six bays and a four bay (no doors) self serve car wash (BZA27-81).

Development located east and northeast of the site, across Hoover Road, include a LC zoned small commercial strip (built in 1969) containing a drinking and eating establishment (Walt’s DER), retail and a ‘quick loan’ business, and a LC zoned small freestanding restaurant (built in 1969). TF-3 Duplex Residential (TF-3) and SF-5 Single-Family Residential zoned single-family residences (built in the early 1950s) are abutting and adjacent to the north and northeast side of the site. South of the site, across Central Avenue, are a LC zoned limited vehicle repair garage, limited, (built in 1957) and a Goodwill store. Abutting the west side of the site is the Central Avenue - Interstate Highway-235 interchange. This portion of Central Avenue, from West Street to the Interstate Highway interchange, is almost stripped out with LC zoning supporting a mixture of small free standing retail, small retail strips, a few offices, limited vehicle repair garages and some DERs and restaurants. An exception is the GC zoned (ZON2001-12 and Protective Overlay PO #92) paint and body shop located mid-mile on the southwest corner of Tracy Street and west Central Avenue. The applicant turned in an aerial for the site plan.

CASE HISTORY: The site is platted as the Lot 1, the S.H. Sampson Addition, which was recorded with the Register of Deeds November 11, 1967. The northern portion of the site has a self-service car wash, per the conditions of Use Exception BZA27-81. The south portion of the site has a Conditional Use for outdoor vehicle sales with the conditions of CON2006-00004. CON2006-00060 approved an Administrative Adjustment for an electric sign. The site was annexed into the city sometime between 1951–1960.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5, TF-3	Single-family residences
SOUTH: LC	Car repair garage, limited, Goodwill store
EAST: LC	Small strip retail, free-standing restaurant,
WEST: Public right-of-way	Central Avenue - Interstate Highway-235 interchange

PUBLIC SERVICES: The site has access to Central Avenue, a five-lane arterial street and Hoover Street, a paved two-lane residential street. The west side of the site abuts the Central Avenue - Interstate Highway-235 interchange. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The ‘2030 Wichita Functional Land Use Guide of the Comprehensive Plan’ (Guide) identifies this site as appropriate for “local commercial” types of use. Medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants, personal service facilities and on a limited basis mini-storage warehouse and light manufacturing are examples of local commercial uses. All of these uses would be on a scale that would not have a significant regional draw. The current LC zoning is appropriate for this site.

The requested GC zoning is more compatible with the “regional commercial” category of the Guide. The Comprehensive Plan states that paint and body shop and similar automobile uses are supposed to be located either in areas where they already exist, or along Kellogg, or along the CBD fringe. However, the site’s CON2006-00004 established car sales in the area and ZON2001-12/PO #92 (located on the southwest corner of Tracy Street and west Central Avenue) established paint and body shops in the area. The provisions of a PO could be used to limit the GC uses to a paint and body shop/vehicle repair general and provided more buffering, screening and order on the site.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for GC zoning be approved, subject to the following provisions of a PO:

- A. Permitted uses are restricted to those uses permitted by-right in the LC Limited Commercial district plus ‘vehicle repair, general.’ The conditions of CON2006-00004 shall also be in effect.
- B. All vehicles that are awaiting repair for body and paint, mechanical, electrical or similar repair are to be screened from ground view from abutting / adjoining properties and from abutting streets. The vehicles will be stored in area surrounded with solid screening and a solid gate. Solid screening shall be provided per the Unified Zoning Code. No tires or parts will be stored outside the screened area. All dumpsters, trash containers and containers for oil or automotive fluids shall be located within the solid screened area where vehicles are stored while waiting for repair. All solid screening shall be installed within 60 days of approval by the governing body.
- C. All outside display, with the exception of cars for sale, shall be located within 10 feet of the office-garage building.
- D. The area where vehicles are stored waiting for repair shall be paved.
- E. Landscaping shall be 1½-times the Landscape Ordinance, including a 10-foot wide landscape buffer provided along the north, west and east sides of the site. No storage of vehicles is permitted within that 10-foot wide landscape buffer. The required landscaping of CON2006-00004 shall be brought back into compliance. All landscaping shall be planted no later than the spring planting season.
- F. The car wash on the site shall not be used by the general public, but only for those vehicles that are being repaired at the shop. The car wash shall have solid screening around its north, east and west sides, with a 10-foot wide landscape buffer around its north, east and west sides. Landscaping shall

- be 1-½ times the Landscape Ordinance. The car wash and vehicle storage area can be one, combined area. All landscaping shall be planted no later than the spring planting season.
- G. The paint and body shop shall comply with all local, state and federal regulations.
 - H. No storage of wrecked vehicles for salvage. No working on vehicles outside.
 - I. A site plan shall be provided for review and final approval within 60 days of approval by the MAPC or the governing body. The site plan shall show, but not be limited to, parking for customers and employees, screening, landscaping, the area where vehicles awaiting repair are stored, trash receptacles, and all existing development.

This recommendation is based on the following findings:

- (1) The zoning, uses and character of the neighborhood: This portion of Central Avenue, from West Street to the Interstate Highway interchange, is almost stripped out with mostly LC zoning supporting a mixture of small free standing retail, small retail strips, a few offices, limited vehicle repair garages and some DERs and restaurants. An exception is the GC zoned (ZON2001-12 and Protective Overlay PO #92) paint and body shop located mid-mile on the southwest corner of Tracy Street and west Central Avenue. The site itself has the only car sales lot and self service car wash in the area. TF-3 Duplex Residential (TF-3) and SF-5 Single-Family Residential zoned single-family residences (built in the early 1950s) are abutting and adjacent to the north and northeast side of the site.
- (2) The suitability of the subject property for the uses to which it has been restricted: The site's LC zoning, the Conditional Use, CON2006-00004, allowing a car sales lot and Use Exception, BZA27-81, allowing a self-service car wash still present multiple opportunities for commercial development on the site.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property: Noise and odor are typical concerns associated with a paint and body shop. ZON2001-12/PO #92 located mid-mile on Central Avenue on the southwest corner of Tracy Street and west Central Avenue introduced the first paint and body shop into the area. That facility was built after approval of the zoning case and it also provides an example how such a facility can fit into the neighborhood, with its design, screening, paving and landscaping. The subject site's existing garage with the six bays facing Central Avenue are a feature that is absent on the first body and paint shop in the area, which is an advantage of building new. The subject site has the advantage of it abutting the Interstate Highway interchange, which may reduce its impact on the area. The provisions of the proposed PO are intended to reduce the negative impact of the use on the area.
- (4) Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The proposed PO with the requested GC zoning will provide more buffering, screening and order on the site. The site is already permitted multiple uses by right by its LC zoning and by a Conditional Use, CON2006-00004, allowing a car sales lot and a Use Exception, BZA27-81, allowing a self-service car wash. The proposed PO with the requested GC zoning will allow one more use on a site that has multiple uses. If permitted the applicant will have to invest in the site to bring it into compliance with the PO.
- (5) Conformance of the requested change to the adopted or recognized Comprehensive Plan

and policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan' (Guide) identifies this site as appropriate for "local commercial" types of use. Medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants, personal service facilities and on a limited basis mini-storage warehouse and light manufacturing are examples of local commercial uses. All of these uses would be on a scale that would not have a significant regional draw. The current LC zoning is appropriate for this site.

The requested GC zoning is more compatible with the "regional commercial" category of the Guide. The Comprehensive Plan states that paint and body shop and similar automobile uses are supposed to be located either in areas where they already exist, or along Kellogg, or along the CBD fringe. However, the site's CON2006-00004 established car sales in the area and ZON2001-12/PO #92 (located on the southwest corner of Tracy Street and west Central Avenue) established paint and body shops in the area. The provisions of the proposed PO will limit the GC uses to a paint and body shop/vehicle repair general and provided more buffering, screening and order on the site.

- (6) Impact of the proposed development on community facilities: Impact on community facilities will be minimal. The traffic generated by a paint and body shop should not be any more than the uses permitted by right in the LC zoning district.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

J. JOHNSON moved, **FOSTER** seconded the motion, and it carried (13-0).

- **10. Case No.: ZON2013-00031** – Davis Properties, c/o Brent Davis (owner/applicant) and Baughman Company, PA, c/o Russ Ewy (agent) request a City zone change from SF-5 Single family Residential to MH Manufactured Housing on one acre to remedy the encroachment of an adjacent mobile home park on property described as:

A portion of the Northeast Quarter of Section 18, Township 28 South, Range 1 East, of the Sixth Principal Meridian, Sedgwick County, Kansas described as beginning at the northwest corner of said Northeast Quarter; thence S00°56'54"E (assumed) along the west line of said Northeast Quarter (also being the east line of Lot 1, Silver Spur Second Addition to Wichita, Kansas, Sedgwick County, Kansas), 1501.38 feet, to a point on the west line of said Northeast Quarter, said point is 1149.40 feet north of the southwest corner of said Northeast Quarter; thence N89°02'32"E, along the northerly extension of the north line of Lot 1, South Lake Addition to the City of Wichita, Sedgwick County, Kansas, 30.00 feet; thence N00°56'54"W, parallel with the west line of said Northeast Quarter, 1501.36 feet to a point on the north line of said Northeast Quarter; thence S89°05'47"W, along the north line of said Northeast Quarter, 30.00 feet to the Point of Beginning. Subject to Road Right of Ways of record.

BACKGROUND: The SF-5 Single-Family Residential (SF-5) zoned application area is a narrow and long (+/- 30-foot x 1,501-foot) unplatted strip of land that runs along a north portion of the east side of a west abutting, platted MH Manufactured Housing (MH) zoned manufactured home park. The west, abutting MH zoned manufactured home park has numerous accessory structures (sheds) and a deck encroaching into the SF-5 zoned subject site. An accessory structure of a MH zoned manufactured

home is not allowed into SF-5 zoning, thus the requested MH zoning. The MH zoning district has a 20-foot interior side yard and rear yard setback, as well as a 25-foot setback from all public streets.

The Wichita-Sedgwick County Unified Zoning Code (UZC, Article II, Section II.B.8.c.) defines a manufactured home park as a parcel of land that has been planned and improved in some manner, and used or intended to be used by occupied Manufactured Homes not placed on permanent foundations.

The subject site is part of a large (+/- 61.84-aces) SF-5 zoned unplatted tract that contains at least one single-family residence, trailers, an RV, vehicles and a nonconforming night in the city, Step-N-Out, all clustered around the north end of a spent sandpit. Further east is undeveloped SF-5 land and a vacant LC Limited Commercial (LC) zoned convenience store located on the southwest corner of Seneca Street and MacArthur Road. North of the site across MacArthur Road are SF-5 zoned single-family residences (built, 1906, 1930s and 1950s), a GO General Office (GO) and LC zoned church and small retail strip and LC, MH and SF-5 zoned manufactured home parks. There is also a small GC General Commercial (GC) zoned area located within the LC and GO zoned church. West of the site is the already mentioned MH zoned manufactured home park, another MH zoned manufactured home park and undeveloped SF-5 zoned land. An LC zoned Quick Trip convenience store and undeveloped GC zoned land are located on the southeast corner of MacArthur Road and Meridian Avenue. South of the site is another SF-5 zoned spent sandpit with a MF-29 Multi-Family Residential (MF-29) zoned apartment complex developed around its east side.

CASE HISTORY: The subject was annexed into the City between 1961 and 1970.

ADJACENT ZONING AND LAND USE:

North: SF-5, MH, GO, LC, GC	Single-family residences, church, small retail strip, manufactured home parks, car wash, apartments
South: SF-5, MF-29	Apartment complex built around a spent sandpit
East: SF-5, LC	Single-family residence and nonconforming nightclub built around a spent sandpit, undeveloped land, vacant convenience store
West: MH, SF-5, LC, GC	Manufactured home parks, undeveloped land, convenience store

PUBLIC SERVICES: Water is available to the site from MacArthur Road. Sewer would have to be extended to the site. All other utilities are available. The subject site has 40 feet of MacArthur Road half-street right-of-way, the abutting western property has 75 feet of MacArthur Road half-street right-of-way. MacArthur Road is a four-lane principle arterial with a center turn lane at this location.

CONFORMANCE TO PLANS/POLICIES: The ‘2030 Wichita Functional Land Use Guide Map’ (the Guide) depicts the application area as appropriate for “parks and open space.” This category includes parks, golf courses, public open space, private development reserves and recreational corridors. Currently the subject site is sparsely developed with at least one single-family residence, trailers, an RV, vehicles and a nonconforming nightclub in the city. None of these uses conform to the Guide, however they are clustered around the north end of a spent sandpit, which could lend itself to park development in the future.

The abutting western property is a MH zoned manufactured home park and the Guide identifies it as “urban residential.” The urban residential category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. Mobile home parks

(manufactured home parks) are found in this category. The requested MH zoning is compatible with the urban residential uses of the Guide.

The site is located within the South Wichita/Haysville Area Plan (SWH Plan), which specifically notes the concentration of manufactured home park developments along MacArthur Road, between Seneca Street and Meridian Avenue. The SWH Plan also notes the shallow depths of groundwater along this portion of MacArthur Road as being a constraint in the development of more traditional residential development. The SWH Plan identifies the subject site and the larger tract that it is a part of, as potential park land.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be approved, subject to a boundary shift and the dedication of 35-foot of right-of-way.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is dominated by manufactured home parks. Most of the manufactured home parks have the appropriate MH zoning. However, there are noncompliant manufactured home parks that are zoned SF-5, with a small mix of LC zoning. The narrow and long SF-5 zoned subject site, is part of a large unplatted SF-5 zoned tract that has a noncompliant nightclub located on it as well as at least one single-family residence on it (with associated trailers, an RV and vehicles), all clustered around the north end of a spent sandpit. There is also a large undeveloped tract of SF-5 zoned land and some smaller SF-5 zoned single-family residences located north of the subject site, across MacArthur Road.
2. The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned SF-5, which primarily permits single-family residences and a few civic or institutional uses, such as schools, parks or places of worship, by-right. However, the (+/-) 30-foot x 1,501-foot configuration of the subject site pretty well limits its use to some type of easement or in this case the means of removing numerous encroaching structures extending from the abutting MH zoned manufactured home park, via the requested MH zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of MH zoning will simply extended the western abutting MH manufacture home park by 30 feet along a portion of its east side.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: If approved the requested zoning would bring the west abutting MH zoned manufactured home park into compliance. If the zoning is not approved the applicant will be forced to remove the encroaching structures.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The '2030 Wichita Functional Land Use Guide Map' (the Guide) depicts the application area as appropriate for "parks and open space." This category includes parks, golf courses, public open space, private development reserves and recreational corridors. The subject site currently is sparsely developed with at least one single-family residence, trailers, an RV, vehicles and a nonconforming nightclub in the city. None of these uses conform to the Guide,

however they are clustered around the north end of a spent sandpit, which could lend itself to park development in the future.

The abutting western property is a MH zoned manufactured home park and the Guide identifies it as “urban residential.” The urban residential category encompasses areas that reflect the full diversity of residential development densities and types found in a large urban municipality. Mobile home parks (manufactured home parks) are found in this category. The requested MH zoning is compatible with the urban residential uses of the Guide.

The site is located within the South Wichita/Haysville Area Plan (SWH Plan), which specifically notes the concentration of manufactured home park developments along MacArthur Road, between Seneca Street and Meridian Avenue. The SWH Plan also notes the shallow depths of groundwater along this portion of MacArthur Road as being a constraint in the development of more traditional residential development. The SWH Plan identifies the subject site and the larger tract that it is a part of, as potential park land.

6. Impact of the proposed development on community facilities: Existing community facilities are in place or can be extended to serve the application area.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

J. JOHNSON moved, **FOSTER** seconded the motion, and it carried (13-0).

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11. Case No.: CON2013-00022 - Homer Morgan (owner) and Stephen M. Joseph (agent) request a City Conditional Use for a Tavern Drinking Establishment on LC Limited Commercial zoned property on property described as:

Lots 2 and 3, Turley’s Addition to Wichita, Sedgwick County, Kansas.

KLAUSMEYER announced that the application has been withdrawn.

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12. Case No.: CON2013-00026 – Jerry Chambliss (Owner/Applicant) requests a City Conditional Use to allow for a Bed and Breakfast operation in TF-3 Two-family Residential zoning on property described as:

Lots 25, 27, 29 and that part of Reserve A adjoining said lots on the West AND the East 170 feet of lots 31, 33, 35, 37, 39, 41, 43, 45 and 47, Block 1, Fairview Addition to the city of Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicants are requesting a Conditional Use on a site zoned TF-3 Two-family Residential (“TF-3”) to allow a five-room Bed and Breakfast Inn to be operated at their current residence at 1847 Wellington Place. The lot is 1.28 acres in size and is located at the southwest corner of 18th Street and Wellington Place. The residence has five available bedrooms (suites) and the applicants wish to utilize them for the Bed and Breakfast. The applicant maintains their private residence on the third floor.

The site plan shows the two structures (primary structure and carriage house), the access off 18th Street and the area that they propose to utilize for parking. According to the Unified Zoning Code (UZC), the Bed and Breakfast will require five parking spaces for the five suites and an additional space for the owners, thus a need of six total parking spaces. The site has an existing three-car garage, a parking apron and drive that can accommodate the required six spaces. According to the UZC, a Bed and Breakfast is an owner-occupied or manager-occupied residential structure that provides rooms for temporary lodging or lodging and meals for not more than 15 transient guests on a paying basis. A transient guest is a person who occupies a room for a period of less than one week at a time.

The properties to the south, east and west are zoned TF-3 and B and MF-29 to the north. Properties consist mostly of single-family dwellings a group home located at the northwest corner of 18th and Wellington Place.

CASE HISTORY: The property is platted as all odd lots 25-27-29 & Res A Adj & E 170 feet odd lots 31 thru 47, Block 1, Fairview Addition on March 3, 1886. An alley along the north edge of the property has been vacated.

ADJACENT ZONING AND LAND USE:

NORTH:	B	Social Assistance / Services / Welfare
	MF-29	Single-family residences
SOUTH:	TF-3	Single-family residences
EAST:	TF-3	Single-family residences
WEST:	TF-3	Single-family residences

PUBLIC SERVICES: Access to the site is from 18th Street. Eighteenth Street is a residential street with 60 feet of right-of-way and 25 feet of paved width. Wellington Place is a residential street with 60 feet of right-of-way and 30 feet of gravel width. Neither road has recent traffic counts. Municipal services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2001 Sedgwick County Development Guide Land Use Guide of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this area as “urban residential”.

The Unified Zoning Code (“UZC”) allows Bed and Breakfast as a Conditional Use in the residential zoning districts in compliance with UZC site requirements for parking, screening, lighting, and compatibility setback standards and with Landscape Ordinance requirements. No specific requirements are specified for Bed and Breakfast Inn other than the stipulation that it be an owner-occupied or manager-occupied structure.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the Conditional Use request for a five suite Bed and Breakfast be **APPROVED**, subject to the following conditions:

1. The site shall be developed and operated in general conformance with the MAPD approved site plan and landscape plan.
2. Construction of improvements shall be completed within one year of approval by the appropriate governing body.
3. The applicant shall obtain all inspections, permits and licenses from the City, prior to operating the bed and breakfast inn.

4. The owner or the manager of the bed and breakfast inn shall reside in the primary structure.
5. There shall be five rooms designated for the bed and breakfast business and there will be a maximum of five occupied guest rooms at any one time. These rooms shall be shown on a floor plan required for approval by the Metropolitan Area Building and Construction Department (MABCD) for a change of occupancy to bed and breakfast inn within a single-family residential structure.
6. No freestanding signs shall be allowed. One building wall sign shall be permitted to identify the establishment. This sign shall be mounted on the front façade of the house, be no more than nine square feet in size and be lit with indirect lighting only or no lighting. The Director of the MABCD shall review and approve the sign as to compliance with the location and materials required.
7. Six parking spaces shall be provided onsite as indicated on the approved site plan, with one space for the owner/resident-manager of the property and five spaces for the guests. The parking area shall be paved, marked and be located in the side yard of the property to the north of the main structure.
8. Lighting shall be directed downward and away from adjoining properties and shall be limited to no more than 14 feet in height for any lighting, including the pole, base and fixture.
9. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The properties to the south, east and west are zoned TF-3 and B and MF-29 to the north. Properties consist mostly of single-family dwellings a group home located at the southwest corner of 18th Street and Wellington Place.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned TF-3, but is developed with a single-family residence, and could continue to be used as a single-family dwelling. It could also be converted to a duplex by right. The desirability of the dwelling as a bed and breakfast inn is enhanced by its designation as a key contributing structure in Park Place Fairview National Register Historic District, which could attract potential clientele.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The Conditional Use for a bed and breakfast will encourage preservation and renovation of the current structure in order to attract clientele to lodge in the facility. This investment could be viewed as desirable for encouraging investment in renovating other residences in the vicinity.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Comprehensive Plan identifies this property as “urban residential.” The Unified Zoning Code permits bed and breakfast inn as a Conditional Use when it is determined to be an appropriate site for this type of use and when the bed and breakfast inn can meet site development requirements of the Conditional Use and UZC. The conditions of approval are designed to meet these criteria.
5. **Impact of the proposed development on community facilities:** The impact on community facilities should be minimal so long as all required parking is onsite and is adequately paved. No impact is anticipated on other utilities.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

J. JOHNSON moved, **FOSTER** seconded the motion, and it carried (13-0).

- **13. Case No.: CON2013-00028** - Donald and Janet Yoder (property owners); Baughman Company, PA, c/o Russ Ewy (agent) request a County Conditional Use to expand a private airstrip in RR Rural Residential zoning on property described as:

A 400.00 foot wide tract of land in the Southeast Quarter of Section 34, Township 27 South, Range 3 West of the Sixth Principal Meridian, Sedgwick County, Kansas, said tract of land being more particularly described as follows: Commencing at the southeast corner of said Southeast Quarter; FIRST COURSE, thence westerly along the south line of said Southeast Quarter, 1340.01 feet for a point of beginning; SECOND COURSE, thence continuing westerly along the south line of said Southeast Quarter, 404.36 feet; THIRD COURSE, thence northerly with a deflection angle to the right of 98°25'27" from the previously described SECOND COURSE, 2694.30 feet to a point on the north line of said Southeast Quarter, said point being 1434.20 feet westerly of the northeast corner of said Southeast Quarter; FOURTH COURSE, thence easterly along the north line of said Southeast Quarter, 403.52 feet to a point 1030.68 feet westerly of the northeast corner of said Southeast Quarter, said point also being 400.00 feet normally distant easterly of the northerly extension of the previously described THIRD COURSE; FIFTH COURSE, thence southerly with a deflection angle to the right of 97°34'44" and parallel with the previously described THIRD COURSE, 2688.28 feet to the point of beginning, subject to road right-of-way of record along the south line of said Southeast Quarter.

BACKGROUND: The applicants request a conditional use to permit expansion of an existing airstrip on 25 unplatted acres zoned RR Rural Residential (RR). The application area is located North of 23rd Street South (Pawnee) and approximately one-quarter mile west of 247th Street West. The application area is currently used for a grass airstrip, the applicant anticipates building hangars in the future on the south end of the property (see the attached site plan). A conditional use was approved in 1992 (CU 339, see attached) establishing the grass airstrip north of the application area, an amendment in 1996 geographically expanded the conditional use to include a hangar building. The existing CU 339 includes platted residential lots; the proposed conditional use for expansion of the airstrip to the south does not anticipate residential development on that portion. The existing airstrip crosses the old AT & SF Railroad corridor. That rail corridor was rail banked, improved as the Prairie Sunset Trail bike and pedestrian path, and is owned by Prairie Travelers Inc. according to the County Tax Assessor. The agent indicates that the applicant established access rights across the rail corridor when the rail corridor was banked, planning staff is awaiting that documentation. The applicant and the Prairie Travelers significantly improved the airstrip/path crossing with a concrete tunnel passing underneath the grass airstrip; the path surface is approximately 15 feet lower than the airstrip surface. The airstrip/path crossing appears to adequately accommodate both airplane and bike/pedestrian users. The Prairie Travelers organization was notified of this request, they indicate that access and crossing issues with the airstrip are resolved.

The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines an "airport or airstrip" as "any landing area, runway or other facility designed, used, or intended to be used either publicly or by any

person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces. The term airport or airstrip does not include heliport.” The UZC permits airstrips in RR zoning with no specified supplementary conditions.

Most property surrounding the application area is zoned RR, used for agriculture or an airstrip, and is owned by the applicant. Fourteen platted lots exist north of the site, most remain undeveloped. A single-family home site and a farmstead near the south end of the site are both over 1,000 feet from the application area.

CASE HISTORY: The application area is unplatted but has been used for a grass airstrip for some time. The conditional use establishing the airstrip north of the site was approved in 1992 and expanded by an amendment in 1996.

ADJACENT ZONING AND LAND USE:

North: RR	Agriculture, platted home lots, grass airstrip and associated buildings
South: RR;	Agriculture
East: RR	Agriculture
West: RR	Agriculture

PUBLIC SERVICES: On-site water and sewer systems will be utilized. Other normally rural utilities are available. The site has access to West 23rd Street South, an unpaved road at this location with a 50-foot right of way.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide of the Comprehensive Plan” identifies the site as Rural. The Rural category encompasses land outside Wichita and small cities’ growth areas. It is intended for agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately large tract single-family residences of two or more acres with provisions for individual or community water and sewer services. The site is within the Garden Plain Zoning Area of Influence; the Garden Plain Planning Commission will give a recommendation as to whether the request is compatible with their plans.

RECOMMENDATION: The existing airstrip and associated hangars appear to be compatible with all surrounding land uses. Staff recommends that the conditional use incorporate the conditions approved for the site to the north. Based upon the information available prior to the public hearing, staff recommends that the request for a conditional use to permit an airstrip be approved subject to platting within one year and the following conditions:

1. The Conditional Use permits a grass airstrip and a maximum of five hangar buildings only. The airstrip shall be used by private aircraft only. The aircraft hangars or associated buildings shall be used only for the storage, servicing and maintenance of non-commercial aircraft or the equipment necessary to maintain the airstrip.
2. The site shall be developed and maintained in general conformance with the approved site plan and in conformance with all applicable regulations, including but not limited to: zoning, building, fire and utility regulations or codes.
3. The airstrip operation shall comply with Federal Aviation Administration requirements.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth

in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Most property surrounding the application area is zoned RR, used for agriculture or an airstrip, and is owned by the applicant. Fourteen platted lots exist north of the site, most remain undeveloped. A single-family home site and a farmstead near the south end of the site are both over 1,000 feet from the application area.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR which permits a limited range of single-family residential uses, agriculture and a few other public uses. The property could be used for agriculture and/or residences.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not impact nearby property owners. All existing residences and farmsteads are over 1,000 feet from the application area. The existing airstrip appears to be compatible with surrounding residential and agricultural land uses. The airstrip also appears to be compatible with the rail banked Prairie Sunset Trail.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The '2030 Wichita Functional Land Use Guide of the Comprehensive Plan' identifies the site as Rural. The Rural category encompasses land outside Wichita and small cities' growth areas. It is intended for agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately large tract single-family residences of two or more acres with provisions for individual or community water and sewer services. The site is within the Garden Plain Zoning Area of Influence; the Garden Plain Planning Commission will give a recommendation as to whether the request is compatible with their plans.
5. Impact of the proposed development on community facilities: Existing facilities are either in place or can be installed or extended. Approval of the request will not noticeably impact community facilities.

JESS MCNEELY, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

J. JOHNSON moved, **FOSTER** seconded the motion, and it carried (13-0).

NEUGENT (Out @ 2:25 p.m.)

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14. **Case No.: CUP2013-00034** – Chen Suhua (owner/applicant)), Poe & Associates c/o Kim Edgington (agent) request creation of a new City Community Unit Plan (CUP) for commercial development in LI Limited Commercial zoning on property described as:

A tract of land beginning 346.5 feet north of the Southeast corner of the Northeast Quarter of Section 26, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence West 660 feet; thence North 115.5 feet; thence East 660 feet; thence

South to the point of beginning; Except the East 300 feet thereof; and except the West 30 feet thereof condemned for street purposes in Case #C-3820.

AND

The South Half of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 26, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, including a 16.5 foot wide strip adjacent to said tract on the north; Except the East 300 feet thereof; and Except that portion lying south of the north right-of-way line of U.S. Highway 54 which was condemned in Case #A-38302; and except the west 30 feet thereof condemned for street purposes in Case #C-3820; and except that portion of the following described tract lying adjacent on the south, which was deeded to the City of Wichita, Kansas by the deed filed February 27, 1985 on Film 711, Page 505 in the Office of the Register Deeds of Sedgwick County, Kansas, and described as beginning at the intersection of the northerly right of way line of the existing U.S. Highway 54 and a line 630.0 feet west of east line of said Quarter Section; First Course, thence northeasterly along said right of way line to a point 284.0 feet west of said east line; Second Course, thence north 6.4 feet parallel to said east line; Third Course, thence southwesterly on a deflection angle of 92°28'00" to the left, 323.1 feet; Fourth Course, thence northwesterly on a deflection angle of 47°11' to the right, 33.7 feet; thence south to the place of beginning.

AND

A tract of land beginning 462 feet north of the Southeast corner of the Northeast Quarter of Section 26, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence West 660 feet (40 rods); thence North 198 feet; thence East 660 feet (40 rods); thence South 198 feet to the point of beginning; Except the East 284 feet of the south 167 feet thereof; and Except a tract of land beginning at a point on the east line, 660 feet (40 rods) north of the Southeast corner of said Northeast Quarter; thence west 62 feet parallel to the south line of said Northeast Quarter; thence Southwesterly to a point 31.0 feet south and 65.0 feet west of the place of beginning; thence east to a point on said east line, 31.0 feet south of the place of beginning; thence north along said east line to the place of beginning; and Except the west 30 feet thereof condemned for street purposes in Case #C-3820.

AND

A tract of land beginning 462 feet north and 199 feet west of the Southeast corner of the Northeast Quarter of Section 26, Township 27 South, Range 1 West of the Sixth Principal Meridian; thence West 101 feet more or less; thence South to the northerly right of way line of the existing U.S. Highway 54; thence Northeast to a point 200 feet west of the east line; thence North 27.9 feet; thence East 1 foot; thence North 115.5 feet to the place of beginning.

AND

A tract of land beginning at the Southwest corner of the South Half of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 26, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence North 122 feet; thence East 357 feet; thence South 122 feet; thence West to the point of beginning; Except the west 30 feet thereof condemned for street purposes in Case #C-3820.

BACKGROUND: The applicant requests creation of the KW Florence Commercial Community Unit Plan ("CUP") DP-334. The 4.5-acre site is zoned LI Limited Industrial (LI) and is developed with a commercial building formerly used as an auto dealership and a ballroom. The remainder of the site is developed with paved parking. The site is located at the northwest corner of West Street and the Kellogg Expressway with access from West Street, the Kellogg access ramp and Florence Street. The site has cross lot access with one adjoining commercial property to the east. The site has 495 feet of

frontage along Florence and 470 feet of frontage along Kellogg. The Wichita-Sedgwick County Unified Zoning Code (“UZC”) does not require a CUP for this site, as the site is less than 6 acres in size and is not zoned GC General Commercial (GC) or LC Limited Commercial (LC). The UZC states that a CUP is intended to provide well planned and organized commercial development to certain standards and provisions prescribed by the UZC to include ingress and egress, parking, drainage, facilities and sign controls.

The Kellogg expressway is elevated approximately 25 feet above grade adjacent to this site, which resulted in signs on several surrounding properties exceeding the 35-foot height limit with sign heights ranging from 45 to 65 feet. This CUP proposes up to three pole signs spaced 150 feet apart. One pole sign could be 65 feet tall with a total of 400 square feet, a second could be 45 feet tall with 300 square feet, and a third pole sign could be 35 feet tall with 200 square feet; the CUP proposes a total of 900 square feet along the Kellogg frontage. The Sign Code would permit up to a 45-foot tall sign with an administrative adjustment on this site, and would permit a total of 300 square feet on a single pole sign. The Sign Code would permit .8 square feet of signage per linear foot of frontage; this site’s 470 feet of Kellogg frontage would permit 376 total signage square feet. The Wichita Sign Code allows alternative or additional requirements concerning sign type, size, height and location on sites subject to CUP regulations. Common practice with CUPs is to consolidate signage, allowing individual signs increased height and size, but limiting the total number of signs and sign square footage on the site.

The applicant proposes all uses permitted in the CG zoning district. The CUP requires that parking, screening and landscaping meet code minimum requirements, it limits building height to 45 feet, and it limits maximum building coverage to 30% with a .40 floor area ratio. The CUP defers building setbacks to those in the LI zoning except for a 25-foot front setback along Kellogg and a 15-foot street side setback along Florence. The proposed setbacks differ from the UZC standard for CUPs, which consist of 35-foot setbacks from streets and 30-foot rear setbacks. These UZC requirements may be waived by the MAPC provided that the MAPC finds “specific reasons for such modification and an explanation of how such modification or waivers meets the criteria and purpose of this section” of the UZC.

All surrounding properties are also zoned LI and are developed with retail, hotel, automobile service and restaurant uses. South of the site is the Kellogg Expressway, further south is property zoned LI and developed with warehousing and automobile service uses. The Town West Square, DP-71, exists 700 feet west of the site, across Florence and Tracy Streets in LC zoning. The Eureka Gardens CUP, DP 332, was recently approved at the northeast corner of West and Kellogg, 350 feet east of the site in LI zoning. DP 332 has less Kellogg frontage than this application (220 feet), and was approved for one 65-foot tall sign with 300 square feet.

CASE HISTORY: The site is unplatted. The tax assessor’s database does not have the year for the building date.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Retail, restaurant, hotel
SOUTH:	LI	Kellogg Expressway, warehousing, automobile service
EAST:	LI	Automobile service, restaurant, hotel
WEST:	LI	Retail, restaurant

PUBLIC SERVICES: Kellogg is an elevated highway at this location. West Street is a section line arterial street at this location with four travel lanes, two central turn lanes and Kellogg ramp turn lanes. Florence is a local street.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan designates the site as “Regional Commercial,” intended to contain concentrations of commercial, office, and personal service uses that have predominantly regional market areas and high volumes of retail traffic. The City of Wichita Access Management policy recommends that right-in right-out access points maintain 200 feet of separation from intersections and from other openings.

RECOMMENDATION: Staff notes that this site could be developed with a variety of high intensity uses under the current LI zoning. The applicant is requesting to limit permitted uses to those in the GC zoning district, and use the CUP to consolidate signage, parking, landscaping and other development features. The applicant proposed 65-foot tall pole sign is taller than would be permitted by the sign code, but is not excessive given the elevated Kellogg proximity and visibility need from exits. Staff notes that the proposed CUP total sign area of 900 square feet exceeds Sign Code limits and exceeds what has been approved for surrounding and comparable CUPs. The site is currently occupied by one building and is not large enough for more than four total businesses requiring signage. Staff recommends that total signage on the site be limited to 500 square feet, which still exceeds the 376 square feet the Sign Code would normally allow. The CUP proposes two access points to the Kellogg frontage road, which will be right-in right-out (the frontage street is one-way). The site will require platting which will also address street access. Staff recommends that the CUP remain consistent with the Access Management policy and limit the Kellogg frontage to one access point; the site essentially has another access point to Kellogg via Florence Street. Based upon information available prior to the public hearings, planning staff recommends that the proposed CUP be APPROVED, subject to platting within one year and subject to the following conditions:

- A. General Provision #1 shall be amended to allow one opening to Kellogg.
- B. General Provision #6 shall be amended to limit the Kellogg frontage to a total of 500 square feet of signage.
- C. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All surrounding properties are also zoned LI and are developed with retail, hotel, automobile service and restaurant uses. South of the site is the Kellogg Expressway, further south is property zoned LI and developed with warehousing and automobile service uses. The Town West Square, DP-71, exists 700 feet west of the site, across Florence and Tracy Streets in LC zoning. The Eureka Gardens CUP, DP 332, was recently approved at the northeast corner of West and Kellogg, 350 feet east of the site in LI zoning.

2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned LI and could be developed with a variety of uses. The proposed CUP would limit uses on the site to those permitted in the GC zoning district and; and, the proposed CUP provides additional development standards.

3.Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed CUP does not remove restrictions on the subject property, but rather establishes restrictions making development of this site more compatible with surrounding properties. CUP signage, as proposed by the applicant, would exceed the amount of signage approved for surrounding properties.

4.Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan designates the site as “Regional Commercial,” designated to contain concentrations of commercial, office, and personal service uses that have predominantly regional market areas and high volumes of retail traffic.

5.Impact of the proposed development on community facilities: The proposed CUP will not impact community facilities beyond what is currently permitted on the site.

JESS MCNEELY, Planning Staff presented the Staff Report. He said the applicant has requested that platting be within two years because of the ownership complexities within the site, and Staff is agreeable to that request and to amend the recommendation to “subject to platting within two years”.

FOSTER asked for clarification on the height recommendations for the signage.

MCNEELY briefly reviewed the heights for the three signs along Kellogg as 65, 45 and 35 feet.

KIM EDGINGTON, 2532 N. CARDINAL, AGENT FOR THE APPLICANT said they are in agreement with staff comments with extension of platting to within two years.

MOTION: To approve subject to staff recommendation subject to platting within two years.

B. JOHNSON moved, **WARREN** seconded the motion, and it carried (12-0).

- 15. **Case No.: CUP2013-00035** - Cambridge Market, LLC (Fred Hanley) / Fred Hanley, Lauren Irwin request an amendment to Parcel 1 of the LC Limited Commercial zoned CUP DP-213 to allow a nightclub in the city on property described as:

Begin at the Southwest corner of lot 2; thence North 325 feet; thence East 201.01 feet; thence North 215 feet; thence East 73 feet; thence South 191.5 feet; thence Southwesterly 79.89 feet; thence South 129.07 feet; thence West 51.22 feet; thence South 144.72 feet; thence West 195.47 feet to begin, Blk 1

AND

Lot 2 EXCEPT beginning at the Northeast corner; thence Southwesterly along the East line 385.67 feet to the Southeast corner; thence West 54.87 feet; thence Northeast 236.72 feet; thence Northeasterly 163.48 feet to the North line; thence East 44.67 feet to begin & EXCEPT begin at the Southwest corner of lot 2; thence North 325 feet; thence East 201.01 feet; thence North 215 feet; thence East 73 feet; thence South 191.5 feet; thence Southwesterly 79.89 feet; thence South 129.07 feet; thence West 51.22 feet; thence South 144.72 feet; West 195.47 feet to begin, Blk 1

BACKGROUND: The applicant is seeking an amendment to Parcel 2 of “community unit plan” (CUP) DP-213 to permit a “nightclub in the city” and an “entertainment establishment in the city” on 5.35 platted acres located at the southeast corner of East 21st Street North and North Webb Road (9747 East

21st Street North). Parcel 2 is zoned LC Limited Commercial (LC) subject to the development standards contained in CUP DP-213, and permits: all Limited Commercial uses except adult entertainment, drinking establishments, general automotive uses, including auto and auto parts sales, service repair and fuel dispensing. Currently, the shopping center has a restaurant that serves alcohol that is classified as a “drinking establishment, restaurant,” which means the restaurant has more food sales than alcohol sales and does not provide any live entertainment or allow dancing. The restaurant would like to allow for either live entertainment or dancing, which by zoning code definition, would make the restaurant a “nightclub in the city” and/or an “entertainment establishment in the city.”

“Nightclub in the city” is defined by the “Wichita-Sedgwick County Unified Zoning Code” (UZC) as “...an entertainment establishment located in the City that provides entertainment, which may include the provision of dancing by employees or patrons, and where cereal malt beverage or alcoholic liquor are offered, consumed or served to the public or its members, and which may or may not serve food. When the nightclub in the city qualifies as an adult entertainment establishment under chapter 3.05 of the Code of the City of Wichita, its uses shall be governed in this Code by the requirements for sexually oriented businesses in the city.” An “entertainment establishment in the city” is defined as an “event center” or any person or entity that provides entertainment as defined by Chapter 3.30 of the Code of the City of Wichita or any person or entity that provides a venue for any such entertainment. For purposes of this Code, “entertainment establishments in the city” where the establishment is licensed to sell alcoholic liquor or cereal malt beverage or if alcoholic liquor or cereal malt beverage will be offered, consumed or served on the premises shall be considered a “nightclub in the city.”

The UZC permits a “nightclub in the city” in the LC zoning district subject to Article III, Section III-D.6.w that states that a “nightclub in the city” is permitted by-right in the LC zoning district unless the property on which the proposed “nightclub in the city” is situated within 300 feet of a church, public park, public or parochial school or residential zoning district. If the property proposed for a “nightclub in the city” is located within 300 feet of the uses described above, “conditional use” approval shall be required. In this instance since the business is located on property governed by a CUP, an amendment of the CUP substitutes for the required “conditional use” and the parcel on which the restaurant is situated is located within 300 feet of B Multi-family Residential zoning.

Properties abutting Parcel 2 are zoned B Multi-family Residential (B), GO General Office (GO) and LC. Properties abutting Parcel 2 are developed with: garden apartments (less than three stories in height), credit union, restaurant, convenience store, drugstore and a bank. There is also vacant LC zoned land located to the north, across East 21st Street. Parcel 2 has a 75-foot wide landscape buffer located along the eastern boundary that separates the commercial center from the garden apartments located farther east as well as a masonry wall. There is also a masonry wall located along the southern side of Parcel 2 where it is adjacent to the garden apartments. Significant parking lots are located to the north and west of the strip center containing the restaurant that is the focus of this request. There are other retail and restaurant uses located within the extending building located on Parcel 2. Parcels 1 and 2 contain significant parking areas; however, the parking requirement for a “restaurant” in one space per three seats versus “nightclub in the city,” which requires one per two occupants.

CASE HISTORY: Zone change Z-3120, AA One-family Dwelling District to LC, and the creation of CUP DP-213 were approved by the City Council on October 18, 1994. The property was platted as the Hanley Commercial Addition, recorded August 29, 1995. Multiple Administrative Adjustments have been granted. On July 27, 1995, an Administrative Adjustment added 25 feet to the west side of Parcel 4. On April 28, 1998, access controls were adjusted. On August 27, 1995, General Provision 17 was

adjusted to remove the requirement for an owners association providing maintenance of reserves, open space and other areas. On June 26, 2003, the CUP was adjusted to permit parking in a portion of the east-side landscape buffer (CUP2003-00037). On March 19, 2009, Amendment #1 was approved that permitted a nursery and garden center.

ADJACENT ZONING AND LAND USE:

North: LC, subject to CUP DP-168; office and retail commercial center

South: GO, subject to CUP DP-154; garden apartments

East: B, subject to CUP DP-154; garden apartments

West: LC; restaurant and parking for the shopping center containing the application area

PUBLIC SERVICES: East 21st Street North is a six-lane major arterial with center turn lanes along the application area and in 2012 carried in excess of 15,000 average daily vehicle trips. All usual public services are available to serve the site.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “local commercial” uses. Commercial Goal/Objective B states that future retail/commercial areas should be developed to complement existing commercial activity, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses. The Comprehensive Plan does not have specific policies dealing with “nightclub in the city.”

RECOMMENDATION: Based upon the information available prior to the public hearing, it is recommended the request to amend CUP DP-213 be approved subject to the following conditions:

1. The language contained in General Provision 20, Parcel Number 2 shall be amended as follows:
Proposed uses: same as Parcel Number 1 except that the prohibition against a “drinking establishment” is removed and a “nightclub in the city” or “entertainment establishment in the city” is permitted; and those buildings on the eastern portion of the parcel with exposure to the drainage way will be designed in such a way that the side facing the drainage way is finished in a similar manner as the front of the building. No outside loudspeakers or outdoor entertainment associated with the “nightclub in the city” or “entertainment establishment in the city” is permitted.
2. The number of off-street parking spaces provided by the CUP DP-213 shall comply with Code required minimums.
3. The “nightclub in the city” or “entertainment establishment in the city” shall be operated in compliance with all applicable codes, licenses or regulations, including, but not limited to: building, fire, health or zoning codes.
4. The transfer of title of all or of any portion of the land located within CUP DP-213 does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon the present owners, their successors and assigns, unless amended.
5. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after final approval of this case, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties abutting Parcel 2 are zoned B Multi-family Residential (B), GO General Office (GO) and LC. Properties abutting Parcel 2 are developed with: garden apartments (less than three stories in height), credit union, restaurant, convenience store, drugstore and a bank. There is also vacant LC zoned land located to the north, across East 21st Street. Parcel 2 has a 75-foot wide landscape buffer located along the eastern boundary that separates the commercial center from the garden apartments located farther east as well as a masonry wall. There is also a masonry wall located along the southern side of Parcel 2 where it is adjacent to the garden apartments. The CUP is located at the intersection of major arterial streets with two other corners of the intersection have similar zoning as the subject CUP.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC subject to the uses permitted in Parcel 2 - all Limited Commercial uses except adult entertainment, drinking establishments, general automotive uses, including auto and auto parts sales, service repair and fuel dispensing - and the development standards contained the CUP. The site could continue to provide economic return as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: If prudently managed and operated, the proposed use should not detrimentally impact nearby property owners or nearby businesses.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval will allow the shopping center management greater flexibility in uses when renting or leasing space, and would provide the larger neighborhood with additional entertainment options.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "local commercial" uses. Commercial Goal/Objective B states that future retail/commercial areas should be developed to complement existing commercial activity, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses. The Comprehensive Plan does not have specific policies dealing with "nightclub in the city."
6. Impact of the proposed development on community facilities: None identified.

DALE MILLER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

J. JOHNSON moved, **FOSTER** seconded the motion, and it carried (13-0).

Other Matters/Adjournment

DIRECTOR SCHLEGEL said the City is initiating a community engagement process called Activate Wichita or ICT. He said they are making facilitators available to make presentations to interested groups on what the community engagement process is all about. He said if the Commission is interested, staff can make arrangements for a presentation which should take about 30 minutes. He said

it is an opportunity for the Planning Commission to weigh in on City priorities and how it spends and invests taxpayer dollars.

MOTION: To request a presentation.

J. JOHNSON moved, **DENNIS** seconded the motion, and it carried (13-0).

KLAUSMEYER said Committee assignments will remain the same unless he hears otherwise from Commissioners.

The Metropolitan Area Planning Commission adjourned at 2:40 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2013.

(SEAL)

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission